

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 105.4, the Iowa Plumbing and Mechanical Systems Board hereby gives Notice of Intended Action to rescind Chapter 36, “Plumbing and Mechanical Systems Board—Petitions for Rule Making,” Iowa Administrative Code, and to adopt new Chapter 36 with the same title.

The rules in proposed Chapter 36 describe the process that the Iowa Plumbing and Mechanical Systems Board will follow when receiving and responding to a petition for rule making. The rules do not change the process; they simply provide the Uniform Rules on Agency Procedure language for Petitions for Rule Making in its entirety, with the amendments previously adopted incorporated into the rules. The intent is to make it easier for the general public to locate and understand the process.

Consideration will be given to all written suggestions or comments received on the proposed rules on or before September 25, 2012. Such written comments should be directed to Cindy Houlson, Department of Public Health, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319. Comments may be sent by fax to (515)281-6114 or by e-mail to cindy.houlson@idph.iowa.gov.

There will be a public hearing on September 25, 2012, from 11 a.m. to 12 noon, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed rules. This hearing will originate from the Iowa Communications Network (ICN) and will be accessible over the ICN from the following locations:

Bettendorf — Mississippi Bend Area Education Agency 9, 729 21st Street

Cedar Falls — University of Northern Iowa, Schindler 130A, Corner of Hudson Road and 23rd Street

Clear Lake — Area Education Agency 267 Regional Office, 9184B 265th Street, State Room

Council Bluffs — Department of Human Services, 417 East Kanesville Boulevard

Des Moines — Department of Education, Grimes Building, E. 14th & Grand Avenue, Second Floor

Fort Dodge — Iowa Central Community College, 1 Triton Circle, Liberal Arts Building, Room 206

Iowa City — University of Iowa, At the end of North Madison Street, Room 103 North

Sioux City — Western Iowa Tech Community College, 4647 Stone Avenue, Building A, Room D201

Any persons who intend to attend the public hearing and have special requirements, such as those relating to hearing or mobility impairments, should contact the Department of Public Health and advise of specific needs.

After analysis and review of this rule making, no impact on jobs has been found.

These rules are intended to implement Iowa Code sections 17A.7 and 105.4.

The following amendment is proposed.

Rescind 641—Chapter 36 and adopt the following **new** chapter in lieu thereof:

CHAPTER 36

PLUMBING AND MECHANICAL SYSTEMS BOARD— PETITIONS FOR RULE MAKING

641—36.1(17A) Petition for rule making. Any person or agency may file a petition for rule making with the Iowa Plumbing and Mechanical Systems Board, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319-0075. A petition is deemed filed when it is received by the board. The board must provide the petitioner with a file-stamped copy of the petition if the petitioner provides the board an extra copy for this purpose. The petition must be typewritten, or legibly hand-written in ink and must substantially conform to the following form:

THE IOWA PLUMBING AND MECHANICAL SYSTEMS BOARD	
Petition by (Name of Petitioner) for the (adoption, amendment, or repeal) of rules relating to (state subject matter).	<div style="font-size: 4em; vertical-align: middle;">}</div> PETITION FOR RULE MAKING

The petition must provide the following information:

1. A statement of the specific rule-making action sought by the petitioner including the text or a summary of the contents of the proposed rule or amendments to a rule and, if it is a petition to amend or repeal a rule, a citation and the relevant language to the particular portion or portions of the rule proposed to be amended or repealed.
2. A citation to any law deemed relevant to the board's authority to take the action urged or to the desirability of that action.
3. A brief summary of petitioner's arguments in support of the action urged in the petition.
4. A brief summary of the data supporting the action urged in the petition.
5. The names and addresses of other persons, or a description of any class of persons, known by petitioner to be affected by or interested in, the proposed action which is the subject of the petition.
6. Any request by petitioner for a meeting provided for by rule 641—36.4(17A).

36.1(1) The petition must be dated and signed by the petitioner or the petitioner's representative. It must also include the name, mailing address, and telephone number of the petitioner and petitioner's representative, and a statement indicating the person to whom communications concerning the petition should be directed.

36.1(2) The board may deny a petition because it does not substantially conform to the required form.

641—36.2(17A) Briefs. The petitioner may attach a brief to the petition in support of the action urged in the petition. The board may request a brief from the petitioner or from any other person concerning the substance of the petition.

641—36.3(17A) Inquiries. Inquiries concerning the status of a petition for rule making may be made to Iowa Plumbing and Mechanical Systems Board, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319-0075.

641—36.4(17A) Board consideration.

36.4(1) Within 14 days after the filing of a petition, the board must submit a copy of the petition and any accompanying brief to the administrative rules coordinator and to the administrative rules review committee. Upon request by petitioner in the petition, the board must schedule a brief and informal meeting between the petitioner and the board, a member of the board, or a member of the staff of the board, to discuss the petition. The board may request the petitioner to submit additional information or argument concerning the petition. The board may also solicit comments from any person on the substance of the petition. Also, comments on the substance of the petition may be submitted to the board by any person.

36.4(2) Within 60 days after the filing of the petition, or within any longer period agreed to by the petitioner, the board must, in writing, deny the petition, and notify petitioner of its action and the specific grounds for the denial, or grant the petition and notify petitioner that it has instituted rule-making

proceedings on the subject of the petition. Petitioner shall be deemed notified of the denial or grant of the petition on the date when the board mails or delivers the required notification to petitioner.

36.4(3) Denial of a petition because it does not substantially conform to the required form does not preclude the filing of a new petition on the same subject that seeks to eliminate the grounds for the board's rejection of the petition.

These rules are intended to implement Iowa Code sections 17A.7 and 105.4.